

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENNIS TOBY,

Petitioner,

v.

MARIROSA LAMAS,

Respondent.

CIVIL ACTION NO. 3:13-CV-2882

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SCHWAB)

**ORDER**

NOW, this 8<sup>th</sup> day of December, 2014, upon review of the Report and Recommendation of Magistrate Judge Susan E. Schwab (Doc. 13) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 13) is **ADOPTED**.
- (2) Respondent's Motion to Dismiss (Doc. 10) is **DENIED**.
- (3) This case is remitted to Magistrate Judge Schwab for further proceedings.

  
A. Richard Caputo  
United States District Judge

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DEPUTY CLERK